

Attorney Docket No.: 002187 USA/MC03/PDC/WF/OR
PATENT APPLICATION

Response Under 37 C.F.R. § 1.111
Appln. No.: 09/765,995

810, 123 USPQ 349 (CCPA 1959). *See also In re Gordon*, 733 F.2d 900, 221, USPQ 1125 (Fed. Cir. 1984).

Furthermore, because Ohtombe does not need a reference signal, and the principles of operation of the Ohtombe apparatus and Yamashita apparatus are significantly different, there is no reasonable expectation of success.

Assuming *arguendo* that Maeda and Sandland teach what the Examiner says they teach, they do not remedy the deficiencies of Ohtombe and Yamashita. Therefore, Applicants respectfully submit that independent claim 96 and its dependent claims 97-105 are patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Diana M. Schaller

Date: August 21, 2003